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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/810,217	03/19/2001	Susumu Saito	Q63511	6911

7590 03/18/2003

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EXAMINER

PHAM, HAI CHI

ART UNIT	PAPER NUMBER
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2861

DATE MAILED: 03/18/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/810,217

Applicant(s)

SAITO ET AL.

Examiner

Hai C Pham

Art Unit

2861

--Th MAILING DATE of this communication appears on the cov r sheet with the correspondence address --

THE REPLY FILED 10 March 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ they raise the issue of new matter (see Note below);
- (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☒ Applicant's reply has overcome the following rejection(s): See Continuation Sheet.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☐ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____

Claim(s) objected to: _____

Claim(s) rejected: 1-4, 7-9.

Claim(s) withdrawn from consideration: _____

8. ☐ The proposed drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____
10. ☐ Other: _____

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Continuation of 3.

Applicant's reply has overcome the following rejection(s): of claim 9 under 35 U.S.C. 112, first paragraph by cancelling claim 9, along with claim 8.

Continuation of 5. does NOT place the application in condition for allowance because:

Applicants' arguments are not persuasive.

The examiner respectfully disagrees with Applicants' arguments concerning the combination of Nakajima and Kitamura, the latter disclosing an angle of inclination being applied to a device having only one semiconductor light source with a plurality of light emitting devices such that one skill in the art would not be motivated to use the controlled inclination in a device having more than one semiconductor light source taught by the former. Firstly, the instant invention discloses the exact same claimed equation governing the inclination angle with respect to both a single semiconductor light source (Figs. 8-10) and a plurality of semiconductor light sources (Figs. 1, 3-4). Secondly, the discussed equation is conceived independently with respect to the relative position of the multiple semiconductor light sources, e.g. distance between the two semiconductor light sources. The only requirement consists of positioning each of the semiconductor light sources at the desired inclination angle. Therefore, one skill in the art would highly be motivated to control the inclination of the plurality semiconductor light sources in the device of Nakajima based on the single laser light source device of Kitamura.

With regard to Applicants' arguments concerning Arimoto for "the photodetectors A[1]-A4 and prism 10 do not detect the positions in a direction perpendicular to a scanning direction of the output beams of each light source as in the invention according to claim 3", the examiner respectfully disagrees. Arimoto teaches the photodetectors A1-A4 and the surface to be scanned being in a geometrically conjugate image-forming relation with respect to the sub-scanning direction, the photodetectors A1-A4 detecting the positions of the laser beams emitted by the plurality of semiconductor light sources (11, 12) and directed from the prism 10, such that the scanning lines are controllably spaced by a predetermined distance [in the sub-scanning direction] (see Fig. 12, and related discussions at col. 7, lines 7-33).



HAI PHAM
PRIMARY EXAMINER

3/14/03